

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

DAVID LASH, SR., et al.,

Plaintiff(s),

vs.

MICHAEL HOLLIS, et al.,

Defendant(s).

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Case No. 2:05CV32 JCH

ORDER

This matter is before the Court upon its review of the record. In an Order entered August 10, 2007, this Court ordered Defendant Michael Hollis to pay Plaintiff David Lash, Sr. (“Plaintiff”) attorneys’ fees in the amount of \$10,616.00. (Doc. No. 132). The Court arrived at this amount by first deducting from Plaintiff’s requested fees¹ reimbursement for hours spent working exclusively on claims on which Plaintiff did not prevail, and then further reducing the amount awarded to account for the fact that only one Plaintiff prevailed, and only in his claims against one Defendant. (*Id.*, PP. 4-10). The Court further reduced the requested hourly rates for the three attorneys and one paralegal involved in Plaintiff’s case. (*Id.*, PP. 10-12).

Plaintiff appealed the Court’s ruling on his Motion for Attorneys’ Fees. In an opinion issued May 13, 2008, the Eighth Circuit Court of Appeals upheld this Court’s “line item” strikes as to specific time entries on Plaintiff’s fee request. (Doc. No. 144, PP. 8-9). The Eighth Circuit further upheld this Court’s determination of appropriate hourly rates for the attorneys and paralegal. (*Id.*). The Eighth Circuit took issue with the “global” cuts, however, finding this Court’s reductions that relied on a characterization of Plaintiff’s degree of success based solely on the number of successful

¹Plaintiff originally requested fees totaling approximately \$250,000.00.

and unsuccessful claims, to be inappropriate. (Id., P. 9). The Eighth Circuit therefore remanded the case to this Court, for reconsideration of the fee award in light of, “the relationship between the successful and unsuccessful claims and also the overall degree of success obtained by [Plaintiff].” (Id., PP. 11-12). Upon consideration, the Court will order briefing on the issues remanded for reconsideration.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff is granted until **Thursday, August 28, 2008**, within which to submit a brief detailing his positions on the issues presented by the Eighth Circuit opinion.

IT IS FURTHER ORDERED that Defendant Michael Hollis is granted until **Monday, September 8, 2008**, within which to file a response to Plaintiff’s brief.

Dated this 18th day of August, 2008.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE